

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION

No. M 02-1486 PJH

**ORDER DENYING
SEALING REQUEST**

This Document Relates to:

All Indirect Purchaser Actions

Indirect purchaser plaintiffs have filed an administrative request for leave to file certain portions of their first amended complaint, filed June 28, 2007, under seal. Specifically, plaintiffs seek to file under seal paragraphs 59-67, 70 and 74 of the first amended complaint.

Court proceedings are presumptively public, and as plaintiffs' request acknowledges, no document shall be filed under seal without a request for a court order that is narrowly tailored to cover only the particular portion of the document for which good cause exists for filing under seal. However, if the sole ground for the sealing order is that the opposing party has designated the information at issue as confidential, the opposing party must file a declaration establishing good cause for the sealing along with a proposed order, or must withdraw the designation. This declaration must be filed within five days of service on the opposing party of the request for a sealing order, or else the court may order that the document be filed in the public record.

Here, plaintiffs' sole ground for requesting that the above specified paragraphs be filed under seal is that defendants have designated the material "Confidential" or "Highly Confidential." Accordingly, it was incumbent upon defendants to file a declaration

1 establishing good cause for the sealing of the above paragraphs, no later than July 6, 2007.
2 Defendants failed to do so. As such, the court hereby DENIES plaintiffs' request to file the
3 above designated portions of the first amended complaint under seal.

4 Plaintiffs shall accordingly file an unredacted version of the first amended complaint
5 in the public docket.

6
7 **IT IS SO ORDERED.**

8 Dated: July 9, 2007



PHYLLIS J. HAMILTON
United States District Judge